

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-hc-02274-BO

THURMAN BURNS,

Petitioner,

v.

STATE OF NC,

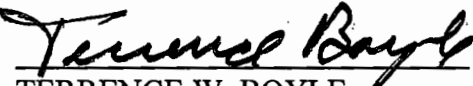
Respondent.

ORDER

On September 26, 2019, Thurman Burns (“petitioner”) filed pro se a petition for a writ of habeas corpus under 28 U.S.C. § 2254. [D.E. 1]. An order of deficiency issued because petitioner had not (1) filed the petition on the forms prescribed for use by the court, or (2) paid the filing fee or applied to proceed without prepayment of fees. [D.E. 3]. The order warned petitioner that failure to correct the deficiencies within 21 days may result in the dismissal of the action without prejudice for failure to prosecute. *Id.* On October 7, 2019, petitioner filed a “motion for joinder.” [D.E. 4]. Petitioner, however, has failed to comply with the order deficiency and the time to do so has passed.

Accordingly, the court: DISMISSES WITHOUT PREJUDICE the action for failure to prosecute; DENIES as moot the pending motion [D.E. 4]; DENIES a Certificate of Appealability, *see* 28 U.S.C. § 2253(c); *Miller-El v. Cockrell*, 537 U.S. 322, 336–38 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and DIRECTS the clerk to close the case.

SO ORDERED. This 13 day of November, 2019.


TERRENCE W. BOYLE
Chief United States District Judge